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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1957

No. 20

SCHAFFER TRANSPORTATION COMPANY AND AMERICAN TRUCKING ASSOCIATIONS, INC.,
Appellants,

vs.

UNITED STATES OF AMERICA AND INTERSTATE COMMERCE COMMISSION,
Appellees.

BRIEF OF APPELLEE RAILROADS IN OPPOSITION TO APPELLANTS' MOTION TO ALLOW AND TAX COSTS

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In opposition to appellants' motion to allow and tax costs, appellee railroads state:

1. Appellees admit the facts stated in paragraphs 1 to 9, inclusive, of the motion.

2. As to the first nine paragraphs, and as to the other paragraphs of the motion, appellees deny that they state any grounds for the relief sought.

3. No filing fees or other costs are required by the Interstate Commerce Commission from parties to proceedings before it. Thus no party to the instant matter was entitled to recover costs in respect to any of the proceedings before the Commission.

4. Appellants' action in District Court for review of the Commission's order was opposed by the United States and by the Commission. Appellants' appeal in this Court was opposed by the Commission. The costs which appellants expended in connection with their appeal to this Court were necessitated entirely by the aforesaid opposition of the United States and the Commission. Such costs were neither occasioned by nor increased by the intervention of appellees in the Court action. It would have been necessary for appellants to expend such costs if appellees had not so intervened.

5. Appellants cite no authorities to sustain their position; and we know of no authorities, published or unpublished, where costs ever have been allowed under similar circumstances.

Appellants' motion should be denied.

Respectfully submitted,

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